

Be it Enacted by the People of the State of Colorado:

SECTION 1: In the Colorado Revised Statutes, **add** section 44-3-314 as follows:

44-3-314. LOCAL APPROVAL REQUIRED FOR EXPANDED LIQUOR LICENSE.

(1) NOTWITHSTANDING ANY STATE LAW TO THE CONTRARY, NO LICENSE CONVERSION, MODIFICATION, OR OTHER LICENSING CHANGE THAT REVISES THE CLASS UNDER WHICH AN EXISTING LICENSEE OPERATES OR EXPANDS THE TYPE OR TYPES OF ALCOHOL BEVERAGE THAT MAY BE SOLD AT RETAIL BY AN EXISTING LICENSEE SHALL BE EFFECTIVE OR ALLOW SALE OF SUCH ADDITIONAL TYPES OF ALCOHOL BEVERAGE TYPES UNLESS THE LOCAL LICENSING AUTHORITY EXPRESSLY FINDS:

(A) SUCH APPROVAL WILL MEET THE NEEDS AND DESIRES OF THE INHABITANTS OF THE NEIGHBORHOOD, BASED ON COMPETENT EVIDENCE IN THE RECORD AFTER A PUBLIC HEARING; AND

(B) THE LICENSED PREMISES, AFTER SUCH CONVERSION, MODIFICATION, OR OTHER LICENSING CHANGE, ~~WILL WOULD~~ COMPLY WITH THE FOLLOWING DISTANCE REQUIREMENTS, WHICHEVER IS GREATER ~~IN THE INSTANCE OF ANY CONFLICT OR INCONSISTENCY:~~

(I) THE MINIMUM DISTANCE ~~LIMITATIONS~~ SPECIFIED BY LAW THAT APPLIED TO THE PREVIOUS CLASS OF LICENSE AT THE TIME SUCH LICENSE WAS APPROVED; AND

(II) ONE THOUSAND FIVE HUNDRED FEET FROM ANY PUBLIC OR PRIVATE ELEMENTARY, MIDDLE OR SECONDARY SCHOOL, DAYCARE CENTER, CHURCH, OR PREMISES LICENSED FOR THE SALE OF ALCOHOL BEVERAGES IN SEALED CONTAINERS FOR CONSUMPTION OFF THE PREMISES.

(2) NO LICENSE ~~MAY SHALL~~ BE RENEWED TO CONTINUE AUTHORIZATION FOR SALES AT A LICENSED PREMISES OF ANY ALCOHOL BEVERAGES IN SEALED CONTAINERS FOR OFF-PREMISES CONSUMPTION AS AN ADMINISTRATIVE MATTER WITHOUT PUBLIC HEARING.

~~(I) BY OPERATION OF LAW; OR~~

~~(II)~~

(3) TO RENEW A LICENSE AUTHORIZING THE HOLDER TO SELL ALCOHOL BEVERAGES IN SEALED CONTAINERS FOR OFF-PREMISES CONSUMPTION, WITHOUT EXPRESS FINDINGS BY THE LOCAL LICENSING AUTHORITY MUST EXPRESSLY FIND THAT SUCH RENEWAL WILL SERVE THE PUBLIC INTEREST AND IS WARRANTED IN LIGHT OF THE LICENSEE’S OPERATING HISTORY AS A LICENSE HOLDER FOR THE RETAIL SALE OF ALCOHOL BEVERAGES.

~~(3) FOR PURPOSES OF THIS SECTION:~~

~~—(A) “ALCOHOL BEVERAGE” HAS THE SAME MEANING AS PROVIDED IN SECTION 44-3-103 (2).~~

~~(B) “PERSON” MEANS AN INDIVIDUAL, CORPORATION, LIMITED LIABILITY COMPANY, JOINT VENTURE, PARTNERSHIP, UNINCORPORATED ASSOCIATION, GROUP OF PERSONS UNDER A COMMON OWNERSHIP STRUCTURE, GROUP OF PERSONS USING THE SAME TRADE NAME, OR ANY LEGAL OR COMMERCIAL ENTITY.~~

(4) THIS SECTION IS EFFECTIVE ~~ON THE DATE OF THE PROCLAMATION BY THE GOVERNOR CERTIFYING THE VOTE ONLY IF APPROVED BY THE PEOPLE~~ AT THE NOVEMBER, 2022 GENERAL ELECTION.